

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff)
v.)
REAL PROPERTY KNOWN AS)
420 STERLING PARK CIRCLE,)
ALABASTER, SHELBY COUNTY,)
ALABAMA, AND ALL FIXTURES)
AND APPURTENANCES THEREON,)
Defendant.)
No. 2:12-CV-2961-WMA

MEMORANDUM OPINION

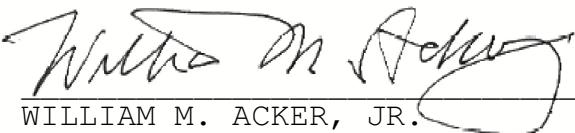
On February 5, 2014, the United States of America, plaintiff in the above styled forfeiture action, filed a motion to vacate the interlocutory order for the sale of the defendant property entered by the court on May 1, 2014, and seeking a dismissal of the forfeiture action without prejudice. The only claimant to an interest in the subject real property to respond to the motion is Iberiabank, which on February 11, 2014 did not object to the United States' motion, but requested (considered as a motion) that **all** prior orders be vacated and not just the order for sale.

Because the court had jurisdiction over the collateral title dispute between claimants Fleming Brooks and Iberiabank and has adjudicated that dispute in favor of Brooks, it will not vacate or set aside its holding that Brooks's mortgage lien is superior to Iberiabank's judgment lien. Furthermore, the record reflects that Iberiabank attempted to present the same issue to the Supreme Court

of Alabama in its case No. 1120942, in which the Circuit Court of Shelby County, Alabama was affirmed and Iberiabank was denied any relief by a one line affirmance on September 13, 2013.

Accordingly, the motion of the United States will be granted by separate order. The words "without prejudice" will mean, inter alia, that the order respecting the property rights of Iberiabank and Brooks remain in effect.

DONE this 20th day of February, 2014.



WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE